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ABSTRACT

This paper focuses on the formulation and adoption of content standards in California. The standards-setting process is examined through the theoretical lens of deliberative democracy in order to develop a better understanding of the process and to assess the extent to which the institutions charged with deciding what students should learn can act as deliberative bodies. The analysis is based on 15 elite interviews, written input submitted to the state Standards Commission (more than 1,370 items), and articles on its work in the state's newspapers. In many ways, the Standards Commission fulfilled its potential as a deliberative body. It provided multiple opportunities for public input, and while most of it came from professional educators, access to the Commission was open and relatively cost-free. Despite their philosophical differences, most of the commissioners subscribed to deliberative norms and worked to provide a consensus document. However, the larger political process in which standards policy was being shaped inevitably impinged on, and sometimes undermined, the Commission's efforts to ground decisions in reasoned deliberation. (Contains 39 references.) (SLD)

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State Standards-Setting and Public Deliberation:

The Case of California[1]

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ABSTRACT

Setting rigorous academic standards is a key element of the nationwide commitment to raising the quality of American elementary and secondary education. While there is almost universal agreement on the need for new standards, however, there is much less consensus on what their content should be. This paper focuses on the formulation and adoption of content standards in California.

We examine the standards-setting process through the theoretical lens of deliberative democracy in order to develop a better understanding of the process, and to assess the extent to which the institutions charged with deciding what students should learn can act as deliberative bodies. Our analysis is based on elite interviews, written input submitted to the state Standards Commission, and articles on its work in the state's major newspapers.

In many ways, the Standards Commission fulfilled its potential as a deliberative body. It provided multiple opportunities for public input, and while most of it came from professional educators, access to the Commission was open and relatively cost-free. Despite their philosophical differences, most of the commissioners subscribed to deliberative norms and worked to produce a consensus document. However, the larger political process in which standards policy was being shaped, inevitably impinged on—and sometimes undermined—the Commission's efforts to ground decisions in reasoned deliberation.

1We are most grateful to Scott Hill, the executive director of the California Commission for the Establishment of Academic Content and Performance Standards, for providing us with copies of all the written public input submitted to the Commission. Diane Johnson scheduled our interviews and set up the computer data base to analyze the public input; Eric Patterson did most of the coding, and William Ford did the double coding and generally imposed order on all our numerous pieces of data. Their careful work is much appreciated.

INTRODUCTION

Academic standards, articulated by state governments and implemented through classroom instruction and student assessments, became a major vehicle for education reform over the past decade. Policymakers assumed that in setting high standards and then expecting schools to teach and students to learn to those standards, they were creating a potent lever for improving overall educational quality. Premising education reform on the notion of high academic standards poses a host of technical questions, such as whether all students can be taught to the same set of standards or whether performance on those standards can be measured reliably and validly. But it also raises fundamental political questions about whether it is possible to reach a broad consensus on what knowledge is most valuable for students to learn.

Early efforts to implement higher academic standards through statewide assessments became politically divisive in some states. The reasons are varied, but two interrelated factors stand out in explaining the problems states encountered in promoting standards-based reforms. First, the task of defining what students should be expected to know was often viewed as a technical exercise that primarily involved adapting the standards and curricula developed by experts and national professional associations, such as the National Council of Teachers of Mathematics (NCTM), to a particular state. Second, since the task was viewed as requiring only professional judgment, participation in the standards-setting process was largely confined to curriculum specialists, expert teachers, and educational researchers. Public input was limited or non-existent, and states that embraced standards-based reforms early on rarely submitted their standards or assessments to any kind of broad-based public scrutiny.

Several states faced serious problems as it became clear that their standards embodied contested values about the content and purposes of public education, and that small, but vocal, segments of the public held strong views in opposition to those of the professionals who had developed the standards and assessments. (For an analysis of several of these cases, see McDonnell, 1997; Noble & Smith, 1994.)

Enduring philosophical questions such as which educational decisions should be the prerogative of the state and which should remain within the purview of the family were joined with more practical questions about when

students should use calculators and what role phonics, spelling, and grammar should play in an inquiry-oriented curriculum. The effect in a few states was protracted controversy, resulting in significant changes in their standards and assessment policies. Those states that came to the standards-setting process later, however, seemed to have learned critical lessons from the pioneer states. States such as Colorado, Massachusetts, and Washington, that established statewide standards later in the decade, did so through more inclusive processes that involved not just education professionals, but also parents, members of the business community, and other representatives of the public with a stake in the education system.

This shift from a largely professional standards-setting process to more open, public forums comes at a time when political theorists and public intellectuals are calling for an alternative to the adversarial politics that have permeated so much of American public life, and are advocating a more deliberative model of decision-making, characterized by reasoned discussion about the merits of an issue. Deliberation, with its emphasis on an inclusive process where citizens and politicians listen to each other and are open to persuasion, has much practical appeal for those concerned about partisan gridlock, citizens' declining trust in government, and their disengagement from public institutions such as the schools. Skeptics maintain, however, that true deliberation is not feasible. They argue that because deliberation is time-consuming and difficult, few citizens will want to engage in it. Furthermore, the existing imbalance in financial and political resources means that not all those with a stake in a particular policy will have equal access to deliberative opportunities. These arguments have considerable merit: the public does have limited time and attention to devote to politics, and citizens do not typically have equal standing and access to decision-making arenas.

The force of these concerns is not to invalidate the aspiration to public deliberation, but rather to press proponents of the idea to take a closer and more skeptical look at its suitability in different arenas and for resolving different political issues. It is this skepticism about the universality of the deliberative ideal that has led us to focus our research on school politics, for we would argue that if deliberation is to work in any issue area, education should be among the most conducive. Compared with other major social institutions, the political context of education strengthens the prospects for deliberative participation. The

incentive exists for serious and sustained participation, since the quality of schools is important not only for parents but for the economic health of the community, and because debates over education inevitably reflect citizens' most deeply-held values. Structurally, the scale and size of the arena of local school politics foster participation and the development of deliberative values and skills. The entry costs for participation in school politics are low: information is relatively accessible and the issues are likely to be familiar and directly knowable, needing little mediation from experts, political leaders, or the media; meetings are open, and participation by ordinary citizens and parents is common. The face-to-face nature of interactions in school politics makes it harder to objectify one's opponent and more likely that one could come to understand the situation as one's opposite number views it. Moreover, public schools themselves lead other social institutions in taking positive actions toward inclusiveness, including a range of efforts and programs to recognize diversity, taking different backgrounds and needs of students as the starting point and working from there rather than forcing minorities and students with special needs to adopt the majority culture immediately.[2] Finally, deliberation must ultimately offer the promise of affecting policy, and the scale of school politics makes it possible for citizens to follow their participatory contribution to track its influence on policy outputs and to hold relevant officials accountable.

This report is part of a larger exploratory study, which will describe and analyze public involvement in two quite different arenas of education politics. In this research, we address the question: to what extent does decision-making in several kinds of educational arenas measure up to the normative standards of democratic deliberation as outlined by political philosophers? In essence, we are asking how well the "real world" matches deliberative theory. In order to carry out this comparison in a fair and realistic way, however, we need to consider how the ideal of deliberative democracy can be adapted to the context of on-going institutions and processes, without stretching it so far as to invalidate it as a standard. The balance of this introductory section describes the research sites and the sources of information we have used in our study. The second section summarizes the ideal of deliberative politics, and then analyzes the ideal in

[2]Notable examples include bilingual programs, programs for disabled students, and the trend of decisions on school prayer.

more detail, focusing on how deliberative arrangements and practices could play a meaningful role in an established process of policy formation. This section focuses on elaborating and specifying the theory, citing the California standards-setting process only to note the key points of contact with the theory. The paper's third section details the empirical results of our research, describing the key actors, the politics, and policy process that produced the new standards.

Overview of the Research

The two arenas we selected for study are quite different. The first is the state standards-setting process in two states, California and South Carolina. In both states, elected officials established a commission and charged it with setting academic content standards for elementary and secondary education. The membership, scope, and time frame differed in the two states, but both included members from outside the education community and both were expected to solicit diverse input during their deliberations. The second venue for our research is a series of local experiments, designed to be intentionally deliberative, that are now occurring in four communities in South Carolina.[3] This process is still underway and it would be premature to attempt an assessment of it at this time; the South Carolina initiative will be the topic of a later report.

We selected the standards-setting process in California because it was one of the states that, in pioneering student assessments linked to a rigorous curriculum framework, encountered tremendous controversy which eventually led to the demise of its assessment policy. In establishing a different process for

[3]This process is called Reconnecting Schools, and is sponsored by the South Carolina School Boards Association and funded by the State Department of Education. In each community, a series of public meetings are held under the auspices of a steering committee comprised of citizens selected by the school district as broadly representative of the community, but who operate independently of the school district. At the meetings, participants are asked to discuss their aspirations for their community, what keeps people apart, and what brings them together in the community; and what role the schools should play in the community. After completion of the public meetings, the steering committee selects 50 citizens who represent the demographics of the community in terms of ethnicity, age, social class, residence, and parental status to come together in a "community conversation" to forge an "agreement" that outlines what they hope different segments of the local area will do to reconnect the schools with the community. The process is structured, but open-ended in terms of its outcomes. The organizers expect, however, that the agreement will outline a variety of concrete steps that local government, the school board, individual schools, and citizens can take. An important component of Reconnecting is that the local newspaper had to agree to chronicle the entire process as a precondition for a community's participation.

formulating state standards, California officials seemed to have learned important lessons from the prior policy, and to have moved toward a more explicitly inclusive process. Consequently, it seemed a good venue for examining the extent of deliberative decision-making. We chose South Carolina, in part, because its demographics, profile of economic activity, and politics and political culture are very different from California's, thus allowing us to observe the influence of context on the standards-setting process. Also, South Carolina was chosen because its standards-setting process partly overlapped in time with the local Reconnecting initiative. We assumed that at some point the outcome of the state process would become linked with the local initiative as parents and other citizens deliberated about the local consequences of the state standards and accountability policy.[4]

We must caution, however, that our research is limited to only two states and to two unique kinds of decision-making venues. Although we touch on the role of other arenas such as state legislatures, state and local boards of education, and local school site councils, our research does not examine these venues in any detail. We selected the standards-setting commissions and the Reconnecting initiative because they were specifically conceived to be broadly inclusive and to encourage deliberation among the participants. Thus their design would suggest that they are among the decision-making processes most likely to meet the normative standards of democratic deliberation. In other words, we assumed that if we were to find truly deliberative processes in education policy-making, these would be among the most likely places. We plan to use the findings from this preliminary study as a basis for refining hypotheses about the conditions under which deliberation is more or less likely to occur. We will then test those assumptions in subsequent research on the potential for deliberation in more traditional policy-making venues.

In this report, we discuss the standards-setting process in California, mapping out the institutional features of the Commission and its location in California's education policymaking structure, and then surveying the actual procedures of the Commission and its members as they sought public input and

[4]To date, our assumption about the state and local linkage has turned out to be incorrect, but both South Carolina processes have provided valuable insights into opportunities for and limitations on deliberation in public education.

worked together to devise new state standards. Our analysis is based on four data sources. First, we conducted 15 elite interviews with five members and staff of the Commission for the Establishment of Academic Content and Performance Standards, two state legislators and two legislative staff, two members of the Governor's staff, a member of the State Board of Education and an aide, and two academics who provided input to the Standards Commission. These interviews followed a standard, but open-ended, protocol, and averaged about 45 minutes in length. In our interviews, we asked respondents what elected officials expected the Commission to accomplish, what types of public input the Commission received, how the Commission used that input, and what factors explained the different course the mathematics and science standards-setting took as compared with that for language arts and history/social studies.

Our second data source includes all the written input submitted to the Standards Commission—more than 1370 pieces of formal testimony, letters, faxes, and electronic mail messages submitted by teachers and administrators, university subject-matter experts, parents, and other members of the public. In addition, we have summaries of focus group discussions that the Commission sponsored in several locations around the state. Each piece of input was coded and entered into a computer database, classified by the source of the input, the venue through which it was delivered, the major points made, and its tone. These data allowed us to analyze systematically who provided input and what major themes they expressed.[5]

The third data source consists of the standards documents prepared by the Commission and subsequently, by the State Board. Analyzing the various drafts of these documents allowed us to see the progression of the standards-setting process and the major points of disagreement between the Commission and the State Board; we were also able to compare the actual standards documents with the public input received by the Commission and assess the extent to which that input influenced final versions of the standards.

The final data source includes all the articles published about the work of the Standards Commission in the *Los Angeles Times*, the *Sacramento Bee*, and the *San Francisco Chronicle*. These articles were coded according to when, in the

[5]To gauge the reliability of the coding, project staff double-coded five percent of the written input received by the Commission. The rate of agreement between coders was 87 percent.

standards-setting process, they appeared and their focus. We used this data source to gauge both how visible the standards-setting process was to the public and how the print media framed the process.

In the next section, we draw on a broad range of literature from political philosophy to elaborate the key features of the concept of democratic deliberation as it has been outlined in writings by normative theorists, seeking to develop and specify the abstract model so as to improve its usefulness in illuminating real world politics. We then turn to a detailed description and analysis of the standards-setting process in California, drawing on the ideal of deliberative democracy as a lens for viewing the work of the Commission, and also calling on our empirical observations to help improve the theory's suitability for interpreting political practice. The final section concludes with a discussion of what the California case suggests about the potential for deliberation in other educational policy arenas.

DELIBERATIVE DEMOCRACY AND REAL WORLD POLITICS

The Deliberative Ideal and Its Rationale

Education leaders and elected officials in both California and South Carolina subscribed to two tenets that shaped the standards-setting process. First, the issue of education and, specifically, the quality of student performance on standardized tests had become a salient and widely-shared concern in the public; one around which a winning electoral campaign could be built, and one that might have the power to refurbish low levels of public support for the schools. Second, a decision process that excluded the public, giving over the key decisions to experts and government bureaucrats, would lack the legitimacy and public support needed to give the new standards a realistic hope of successful implementation.

As we noted above, however, these initiatives have taken place in a national context of high concern about the health of our democratic political system, typified by the widespread feeling that American politics has become too contentious and adversarial, that some change is needed to bring people back into active participation in the political system. From political theorists to politicians to ordinary citizens, there is wide agreement that democracy in America needs a shot in the arm. Too few people participate; we rely too much on leaders to solve social and political problems for us, and then we are

dissatisfied with their actions. As citizens, we need to take more responsibility for discovering solutions and resolving conflicting views. The decline in voting turnout is the most frequently-cited symptom of American democracy's tired blood, and many reform proposals have concentrated on getting more voters to the polls. But other observers have argued that the revival of democratic citizenship needs to go beyond voting—a solitary, typically self-interested act performed only every two years, or so—and that Americans' alienation from politics reflects a decline of community and civic responsibility whose refurbishment will entail reinvigorating a more continuous and reflective involvement in public forums where people work together with their neighbors to solve the problems of their community.

The idea of creating more opportunities for deliberation addresses these symptoms by seeking to move politics away from the adversarial mode dominated by election contests and interest groups, and to foster face-to-face forums in which citizens discuss common problems with an eye to resolving them not by force of numbers but by the persuasiveness of arguments and reasons. Discussion in face-to-face meetings, in a context in which the group comes together repeatedly to deal with common problems, is central to the promise of deliberation, because personal interaction helps to break down the perception of competition and to undermine the idea that individual behavior must be based on self-interest. When people interact repeatedly, cooperation often evolves out of an initially competitive situation; face-to-face interaction and discussion can further strengthen cooperation by providing grounds for trust among the members of a group and by fostering a sense of identification with the good of the community as a whole.[6] It stands to reason that if deliberative arrangements are to overcome, or even hold at bay, the tendency toward self-interest in politics, then deliberative forums must be structured so as to protect cooperators and provide incentives for participants to listen open-mindedly to others' arguments. Although demanding in practice, the essential normative ideas behind the image of a deliberative space are straightforward.[7]

[6]See Axelrod (1984); Dawes et al. (1990); Mansbridge (1992).

[7]See Gutmann and Thompson (1996); Bohman (1996).

- **Inclusiveness.** Access to deliberative opportunities is open and relatively cost-free. This means that differences between groups or interests in their material resources should not be a barrier to obtaining relevant information or articulating claims and concerns. It also entails that those responsible for assuring the fairness of the deliberative forum may need to seek out representatives to speak for otherwise excluded interests whose views would be relevant to resolving the question.

- **Equal standing.** All participants have equal standing in the process; the right to speak of one's own interests is integrally tied to the responsibility to listen to others with as much empathy and understanding as possible. This tenet also implies that the distribution of costs and benefits is roughly equal over time. That is, given the assumption that possessing material resources is unrelated to the deservedness of one's claims, then no interest or claimant should lose on all questions.

- **Open-mindedness.** Participants' preferences are not fixed but can develop and change through the course of the discussion. Issues are considered and resolved on their merits, rather than on the balance of resources or bargaining strategies.

- **Credibility.** The deliberative process should have the authority to make final decisions about policy, or at least have a formal, institutionalized channel to the arena in which final policy choices are made; and the deliberative process should be institutionalized in the sense that its advice could not be easily ignored or its authority rescinded.

Increasing public participation in politics, and doing so in a way that builds community and responsible citizenship, is an aspiration that few could oppose. Unfortunately, however, the normative arguments for deliberation seldom carry the brief forward to consider the difficult, specific questions about institutions and behaviors that are highlighted by the idealistic promise. No practical political reformer would have the luxury of delivering new institutions and procedures to the political jurisdiction committed to moving toward more deliberation. On the contrary, realizing the aspiration toward more deliberation is circumscribed by the intrinsically path-dependent nature of political change: deliberative opportunities must be developed and nurtured through available channels; essentially the institutions of advisory boards and public hearings that—although they may typically be dominated by experts and activist groups—constitute a usable legacy of mandated citizen participation at every level of government. Normative theorists will remind us that this is the realm of the second best, and some have held that deliberation cannot be achieved at all

unless realized in its perfect form. Our interest is, however, in charting the prospects for more deliberation in the real world, and thus it is worthwhile to pursue the question even if the first steps in this direction amount to little more than modest improvements on adversarial democracy rather than accomplishing the deliberative ideal.

Creating Institutions that Foster Deliberative Policymaking

In practice, deliberative arrangements will nearly always need to coexist and work with other paradigms of democratic decision-making, particularly more competitive or adversarial forms (Mansbridge, 1980). The interplay between different decision-making processes already occurs in many areas of American political practice. In general, more competitive, bargaining-type processes are the norm, but they are never the last word. Deliberation is usually invoked explicitly as a counterpoise to pluralist bargaining. The two approaches are, in a sense, part of a balancing equation, with each springing from a different conception of representation and entailing a different image of the roots of legitimate policy. The hallmark of pluralist bargaining is the claim that political processes should work like markets and that laws should, therefore, be understood as a sort of commodity, subject to the forces of supply and demand transmitted at elections and via the influence of organized interests. To the extent that this image of political competition captures the basis for government action, it is sufficient that a particular group has been able to assemble the political power to obtain what it seeks. Many aspects of American politics take their central inspiration from this image, for instance, majoritarian institutions such as elections, or political practices where inequalities in material resources are translated into political influence, such as with campaign spending or interest group lobbying. But there are many ways in which the American political system seeks to limit the extent to which interests can achieve their ends solely by the exercise of political power, and the process of deliberation is central to setting such limits. For instance, when a law is subject to judicial review, the issue of whether it is the product of an exercise of raw political power or serves some larger public value is generally resolved by returning to the record to assess whether the legislative process operated in a deliberative way or only as a response to self-interested private

groups.[8] This limitation embodies a concept of representation that is distinctly different from adversarial democracy or pluralist bargaining: in a deliberative forum, the mission of political officials is not simply to respond to public pressure but rather to define and select public values through a process of deliberation.[9]

Both deliberation and pluralist bargaining have a part to play in this equation, but beginning as we do from a system dominated by competitive, partisan incentives, the challenge is to create new deliberative opportunities and to assure that the outputs of deliberative forums can be influential in final policy choices. The next step, then, is to unpack the ideal of deliberative democracy, with an eye to specifying what aspects of institutional design and policy process make essential contributions to the values of inclusiveness, equal standing, open-mindedness, and credibility. In the following sections, this analysis is organized along the continuum from the more fixed to the more variable aspects of the deliberative process, that is, from structures and formal procedures to norms and the patterns of discretionary actions we would expect deliberative leaders to take.

Structure

Structures do not dictate outcomes, and even the best constitutional arrangements cannot ensure that competing parties will seek to define and pursue the public interest via deliberation. But structural features can promote deliberation in a number of key ways:

- by fostering a climate that promotes the sincere exchange of views, rather than strategic bargaining or emotional and ideological appeals;

[8]The general principle is illustrated most clearly in the Constitutional status of the judicial branch. The insulation of the judiciary from frequent popular accountability is intended to allow judges' reasoning over conflicted cases to proceed in light of the public interest rather than political power, to rise above the tumult of current political competition (Rawls, 1971).

[9]Bessette (1994, p. 2) places deliberative democracy between direct democracy and the Burkean image of the representative as trustee only occasionally accountable to constituents. Sunstein (1984; 1990; 1991) elaborates this distinction and places it into the context of Constitutional interpretation.

It is worth emphasizing that—unlike much of the political theory literature on deliberation, which focuses on the role and capacities of the public—the recognition that deliberation is centrally concerned with limiting the exercise of raw political power in pursuit of self-interested preferences, focuses on the motivations and actions of political officials not of their constituents.

- by making it more difficult for any single power holder to exercise final control over decisions; and

- by providing the facilities for supplying trustworthy information and analysis, so that all participants can view the facts of the problem identically.

Although structural features cannot prevent competitive bargaining or appeals to unconsidered beliefs or feelings, they can produce an organizational climate that opens up opportunities for reasoned deliberation. Essential to this climate is setting up the deliberative forum so as to recognize the ways in which deliberation differs from bargaining. Deliberative decision making generally requires more time and a greater degree of insulation from the pressures of partisan political interests. The deliberative process necessarily moves more slowly than adversarial procedures, for deliberation calls on people to "think outside the box," reformulating questions and imagining new alternatives, rather than simply pushing their pre-existing preferences. And the process requires a more protected political space, because constructive deliberation, with the willingness to accept the legitimacy and persuasiveness of opponents' arguments, could not be sustained in the constant glare of a sensationalist press, or if every offer or agreement were immediately open to interest group pressure. Institutional arrangements that take these process requisites into account enable members to act on the norm of open-mindedness, changing a stand in response to evidence or argument even when this means taking a position different from constituents' initial preferences.[10] Such arrangements will also provide an incentive for participants in the deliberative forum to work out their differences on the basis of reasoned discussion within the arena, rather than defecting to recruit political allies among elected officials or interest groups. This not only maintains the level of discussion by discouraging rhetorical posturing, but also

[10]The deliberative body is not, of course, insulated from eventual accountability. For instance, deliberative forums seldom have sole final authority over decisions, but must coordinate their work with executives or other officials who are subject to more constant and intrusive scrutiny from the media, interest groups and the public. The point of removing the threat of constant criticism and immediate accountability is to strengthen the conditions for thoughtful reflection and creative, even iconoclastic discussion of new ideas. It also gives deliberative leaders the time to explain the decision to constituents, framing the choice in terms of the larger public interest, as well as constituents' own enlightened self-interest and sense of membership and responsibility to the larger community, rather than having the question framed immediately as "us versus them."

undergirds trust by discouraging members from going outside the arena to reverse the outcome of deliberative pacts.

Where no single actor exercises ultimate decision power, deliberation is fostered because sharing authority requires that the separate actors or agencies collaborate, taking each other's interests and concerns into account. To the extent that the separate agencies represent different constellations of interests, or aggregate preferences in different ways, such an arrangement contributes to inclusiveness and hence broadens the foundation for deriving a conception of the public interest. In the Constitution's design of national government institutions, the Founders implemented this rubric—for instance, in the separation of powers among three coequal branches, bicameralism, and multiple forms of representation—with the specific intention of providing incentives for deliberation, and similar institutional arrangements are found at lower levels of government. On the other hand, where one agency has an unconditional veto over the decisions of another, or one actor has appointment and removal power over the members of an agency, then the incentive of the subservient body is either to shape its decisions to comply with the anticipated reactions of the dominant agency, or to frame its decisions strategically in an attempt to appeal to the public or interest groups for support.

In constructing a process for standards-setting, the Governor and state legislature had available as elements of institutional design two arenas in which they could create more or fewer incentives for deliberation—the Standards Commission as a body, and the rules defining the relationship between the Commission and the State Board. The authorizing legislation for the Commission, AB 265, established an organizational context that offered a good foundation for deliberative exchange and even for the eventual emergence of a deliberative culture that might sustain informal, social incentives for non-adversarial approaches. The composition of the Commission contributed: the fact that its members were appointed by various state agencies (the Governor, state legislative leaders, and the Superintendent of Public Instruction) resulted in a membership that was diverse in terms of background, familiarity with different aspects of education, and concern for different issues in the debate over standards. In addition, the Commission's authorization, a specific mandate to consider the question broadly and an implicit admonition to be more inclusive of public views than the earlier CLAS process had been, set a tone and a unifying

theme of commitment to the process, rather than to any particular outcome. By providing the ingredients for inclusive exchange and a public acknowledgement of the values of open-mindedness and equal standing for various interests, the organizational set-up—whether it did so intentionally, or not—created the conditions for the emergence of a practical deliberative forum.

The relationships of power and authority between the Commission and the State Board of Education, however, gave just the opposite signal, minimizing the incentives and opportunities for sincere deliberation and offering strategic pathways for defectors intent on undermining a cooperative resolution with which they disagreed. If the implicit concept of representation for the Commission emphasized integrating divergent views and conceptualizing the problem in terms of the broader public interest, the image of representation that underlay the Board's authority was that of delegation. The Board is the agent of a sole principal, the Governor, whose electoral and interest group constituency gave his preferences a distinct ideological cast that focused more on defining differences than framing commonalties. Both the composition of the State Board—all the members serve at the pleasure of the Governor—and the understanding that the Board's mandate was to translate the Governor's preferences into policy, meant that the Board itself did not and was not intended to function as a deliberative body. Nevertheless, the structural relationship between the Commission and the Board had the potential to create a deliberative space. If establishing state standards had required the assent of both bodies negotiating on an equal footing, then the structural incentive for deliberation would be much like that in a bicameral legislature. The relationship between the Commission and Board, however, was not one of shared authority: all the Commission's decisions could be overruled by the Board. By enfeebling the institutional conditions for equal exchange—essentially pairing a potentially deliberative body whose role was purely advisory, with a partisan body holding an unconditional veto—the structure undermined the prospects that the Commission and the Board would engage in a deliberative search for a balanced and inclusive set of standards.[11]

[11]The structure did not, however, make deliberation impossible, for both the Commission and the Board had some stake in the Commission serving a genuinely deliberative function. The Commission's claim to legitimate influence (which stemmed from its conduct as an honest broker among competing factions) provided support for deliberative conduct. For the Board, the Commission was important as a source of information, not about the technical feasibility of

Finally, structural arrangements can contribute to the success of the deliberative aspiration by assuring that the various participants in the deliberative forum stand on an equal footing when it comes to information and analytical resources. Information is a crucial resource in political debate, and individuals and organized groups vary greatly in their ability to pay the costs of gathering relevant information in a timely way and analyzing it to discern its policy implications. Particularly where the relevant information is complex or technical, or its valid analysis demands special skills, it falls to the governmental agencies that have established the deliberative forum to provide participants with the expertise and staff needed to assemble a common base of facts and analysis, and make sure that all the members of the deliberative body itself, and members of the public presenting testimony to the body, are able to make their arguments beginning from the same information.[12] The provision of information and analysis by a third party, the deliberative agency whose interest is in resolving the problem but not in any particular outcome, is a critical ingredient in the legitimacy of the process, for it visibly supplants the situation in which resource disparities between groups simply lead to corresponding informational inequalities. For the most part, the Commission's procedures measured up well on this aspect of institutional resources: the Commission held regional hearings throughout the state; an Internet web site was established and minutes of meetings were posted regularly; and the staff provided all the Commission members with up-to-date summaries of public testimony and other input.

Given that there is no blueprint for grafting deliberative opportunities onto an established policymaking nexus, it is notable that the structural aspects of the standards-setting process gave considerable support for the emergence of an effective and credible deliberative forum. Nevertheless, in practice the potential

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different standards, but rather about the distribution and intensity of political support for alternative packages of standards. But assuring that this information was sincere and credible would have the effect of restraining the Board. If the Board treated the Commission too dismissively then it ran the risk either that Commissioners who disagreed with the Board would resign (leaving the Commission as a redundant copy of the interests on the Board), or that the Commission would begin to shade their hearings and recommendations strategically in hopes of bargaining with the Board over the eventual standards.

[12]For an exemplary instance, see Lee and Scott (1985).

of the institutional set-up to foster deliberation was compromised from several angles.

- Governor Wilson sought to channel the Commission's hearings at the start by hand-picking the Commission staff.[13]

- Relations between the Commission and the Board were highly politicized.

- Media coverage of the Commission's work focused on administrative gaffes and on often-exaggerated versions of disagreements among members, leading to criticism from outside observers and increasing political pressure on the Commission.

- Once the Commission's recommendations for content standards were delivered, the Governor called publicly for it to go out of business, in spite of the authorizing legislation having mandated that the Commission should go on to develop performance standards.

Although we have criticized the policymaking structure from the perspective of the aspiration to create more deliberative opportunities, we also want to underline the importance of balancing this goal with the other political and governance goals that the structure serves. Perhaps the most prominent of these is accountability or responsiveness to the electorate, and it is worth considering the trade-off between governmental responsiveness and deliberation. In general, the more closely the government can be held accountable, the less conducive policymaking institutions are to deliberation. In a representative system, accountability is strengthened the more readily the policy process can be observed and monitored, and the more frequently and directly voters can register a verdict on the work of public officials.[14] Maximizing accountability ensures that government policy will respond quickly to shifts in popular majorities, and thus be more democratic. Provisions such as open meeting laws, frequent elections for major and minor offices, and frequent

[13]The Governor's staff hand-picked the Commission's first executive director and its other professional staff. Nine months later, after the executive director had made a public error regarding the letting of consultant contracts, the Commission leadership was finally able to hire its own choice for executive director. For the first months of its existence, the Commission also sublet space in the offices of the Governor's Secretary for Child Development and Education.

[14]Cf. Powell (1982) for a wide-ranging, comparative review of the conceptual and empirical issues in assessing accountability.

referenda on policy issues all move the system toward this end of the continuum. But heightened accountability has its disadvantages: it produces majoritarian decisions even when the majority's position is not a thoughtful one or has been manipulated by interest groups, or when only a small proportion of voters turn out for the election; and no one would hold that the resulting decisions have any claim to speak for the legitimate public interest of the whole community. Deliberative institutions seek to reach decisions based on a more thoughtful, consideration of the issues, but the elements of deliberation—calm reflection and non-defensive discussion—are stifled in an environment where public officials can be immediately held to account by constituents and interest groups guarding their local prerogatives.[15] But there are dangers in this direction as well: the need of a deliberative forum for insulation from the excitement of temporary majorities runs the risk that it may be difficult to hold decision-makers accountable for their actions. We note this trade-off not to highlight particular failings in the practical set-up of the California standards-setting process, nor because we believe accountability to the electorate should always trump deliberation—or vice-versa. Rather, we wish to emphasize that the foundational questions—responsiveness to the current majority versus framing the question with a broader concept of the public interest and a longer time-horizon—will recur at many points in political practice, and that structuring the move toward more deliberation should involve considering not only the immediate symptoms of stress but also the longer-run consequences of institutional change.

Norms

Norms—clear, simple statements of the behavior expected of the members of a community if they are to measure up to the community's values—are a

[15]Bessette (1994, esp. ch. 8) emphasizes that deliberation is more fragile than adversarial processes in the face of concerted political pressure, and he argues that a commitment to deliberative policymaking requires that some of the "accountability reforms" of the 1960s and 1970s be reconsidered. Bessette points out that the effect of Congressional reforms of the 1970s (which opened up committee and floor procedures), has been to increase legislators' susceptibility to interest group sanctions and to diminish the body's capacity to frame debates in terms of the public interest rather than trade-offs among immediate claimants. Similarly, one might question whether open meeting laws such as California's should be applied to virtually every meeting of every public agency, even when the admission of interest group representatives and ideological activists to a deliberative forum will undermine the intention toward frank and inclusive discussion of contested issues.

crucial aspect of deliberative institutions, for they bridge the gap between structures that make deliberation possible and the actual practice of deliberative decision-making. Even with supportive structural arrangements, the deliberative dialogue can be undermined by concerted manipulation or by a relatively small number of participants who "play to the gallery," engaging in ideological or emotional appeals directed to audiences beyond the deliberative arena. Given the image of deliberation as centered on calm and reasoned debate, it is easy to underestimate the practical challenges to sustaining an effective deliberative forum in a context of heated political competition. In the real world, however, deliberative institutions are often placed right at the center of intense policy conflict, since politicians are seldom willing to turn policy choice over to a deliberative body unless the conventional politics of pluralistic bargaining has deadlocked and visibly failed to resolve a salient problem. The pressures from organized interests and ambitious politicians are not relaxed merely because an appeal has been made to the deliberative ideal, and realizing that ideal dictates that the maelstrom of political conflict cannot be ignored but rather that the full variety of interests receive fair consideration.

At the most general level, norms support identification with the deliberative forum and its procedures, providing the "cement of society" needed to assure that all the members of the body will cooperate, rather than viewing the forum as simply as another arena for competing to maximize particular preferences. Norms succeed to the extent that commitments to deliberation as a decision-making process, and to the deliberative forum as a community, take precedence over loyalties to narrower groups or causes.[16] In their specific effect, norms protect the integrity and legitimacy of the deliberative process at following two key points.

[16]Stein (1999) offers an engaging example of the effectiveness and the breakdown of such norms in a real world policymaking context. Reflecting on his experience as a key economic advisor to several Presidents, he emphasizes the importance of a sense of belonging to a community whose distinction was its members' common commitment to problem-solving, a loyalty that held the deliberative body together only so long as it took precedence over the previous affiliations of each member with particularistic organizations such as financial or industrial interests, and also took precedence over each individual member's personal ambition to distinguish himself in the eyes of the public or the President. See Elster (1989a, ch. 7; 1989b) for a perceptive theoretical discussion of norms.

- Norms help keep debate within the bounds of the deliberative forum, levying informal sanctions on participants who seek to curry outside political support.

- Norms encourage specific actions to counterbalance resource inequalities.

Deliberating with others who disagree with one and who feel intensely about their preferences is difficult work, and the natural inclination is to avoid it. In a world where adversarial competition is the norm, perhaps the most challenging fact of life for deliberative institutions is the constant attraction of playing to the gallery.[17] Pushing to conduct the debate "on the plane of public opinion" (Bessette, 1994) undermines deliberation in several ways. It creates multiple audiences, including influential interest groups and elected officials who will praise representatives for rhetorical posturing but suspect them for turning to focus on reasoned discussion within the forum. It diminishes the quality of deliberation by reducing it to sloganeering, and it invites grandstanding rather than learning about the problem and formulating arguments. Eventually, appealing over the heads of the other deliberators to organized groups and ideological activists has the effect of opening the deliberative forum up to lobbying and political pressures that increase the difficulty of seeing the problem in terms of the larger public interest.

Normative sanctions also need to support information sharing among members of the deliberative forum, and explicit attention to compensating for resource disparities among members of the public who bring their concerns to the forum's public hearings. Unlike pluralist bargaining, where informational asymmetries are a key source of strategic advantage, the legitimacy of a deliberative venue depends on assuring that it is not who has the information first but whether the information constitutes a good reason, once exposed to critical questioning. Hence, the forum needs to be supported by the norm that new information available to some members be shared promptly and universally, and that staff resources be available to help resolve questions about the validity and comparability of different data sources. In practice, the members

[17]Schattschneider (1960) sees the "contagiousness of conflict" as an intrinsic feature of political competition, emphasizing that the strategic attractiveness of "expanding the scope of conflict" inevitably threatens the aspiration to resolve disputed issues through discussion rather than by recurring to raw political power.

of the California Standards Commission were able to call on various sources in formulating their arguments, ranging from interest group networks to the Department of Education bureaucracy. In general, these diverse sources promised the possibility of insights gained from viewing the problem from different perspectives, but the potential value of this diversity could be undermined if particular members held their information until the last minute or claimed priority for their interpretation on some basis that could not be readily questioned by the other members. This norm of information sharing and equal access seems to have prevailed in general, with only a couple of significant exceptions.

Resource disparities among the public can also undermine the deliberative process. If the forum is to succeed at including a wide range of concerns from all segments of the public, some participants will be much more articulate than others at presenting a case for their preferences. The advantages range from access to more information and better research, to personal contacts and verbal facility. Even when hearings are formally open to all, such distinctions cannot but make a difference, if not in the outcomes, then in the perception of fairness. The deliberative norm admonishes that Commissioners neither gloss over some interest group representative's testimony because "we've heard it all before," nor ignore the concerns of a less than articulate parent because "she represents no one but herself." It is important to acknowledge that a norm admonishing explicit efforts to discern the nub of each presentation and to weigh its value conscientiously will often complicate and slow down the process of coming to a decision. Indeed, in practice the goals of inclusiveness and open-mindedness go against various psychological schema that people commonly use to economize on information processing. But that, of course is the precise point of the norm: to slow or interfere with unconscious biases and stereotypes that seem to their owners like harmless simplifications.

How can such norms be made effective—by way of sanctions for defectors if need be? The theoretical literature on deliberation gives little attention to how the appropriate normative climate might be assured, and yet even where rhetorical commitment to the deliberative ideal appears unanimous, in practice it cannot be assumed that everyone will voluntarily follow the norms that undergird the ideal. The temptation to seek outside support for one's position is a continual threat: even if a norm is in everyone's long-term interest, it may be

in the short-term interest of an individual actor to violate it. Are there organizational supports to which normative constraints can be anchored?

Some organizations seek to resolve this problem by relying on formal regulations; for instance, statutory rules or contractual agreements regarding conflict of interest. It is doubtful that such an approach would work as a means of sustaining a deliberative culture, however, since the notion of walling off particular topics from specific participants runs directly counter to the discursive spirit of the deliberative ideal. An alternative approach involves making public the potential biases of the members of the deliberative forum, and then trusting that the other members and outside observers will take this information into account in weighing each member's arguments. The California Commission pursued this approach to some extent, by placing relatively detailed professional biographies of Commission members on their web site.

Although these formal approaches can provide supplementary support, the nature of the deliberative process is such that norms must eventually be founded either in interests or identifications, and they will inevitably depend more on informal social opprobrium than formal punishments to sanction defectors.[18] At the same time, optimism regarding the potential for such norms must be tempered by the realization that, as with any social practice, it will usually take time for unambiguous norms to emerge and a supportive fabric of individual commitments and social sanctions to emerge. Norms can arise as informally regulative of behavior, if members identify with the deliberative forum as a special sort of political body, distinguished by the emphasis on reasoned discussion and the aspiration to evaluate arguments in light of the long-term public interest rather than the current balance of political power. The distinctive identity of the deliberative forum is all the more salient, given that politicians typically recur to deliberation only as a highly-publicized last resort to deliver the political system from partisan stalemate. Moreover, the deliberative forum can claim legitimate influence, and hence an effective impact on policy, only so long as its actions conform to the procedural ideal.

In the case of the Standards Commission, it was in the collective interest of members to uphold deliberative norms, but this did not necessarily ensure

[18]Axelrod (1986) provides a model of the emergence of informal norms.

against individual defections to appeal to partisan political allies or public opinion. As the standards-setting process progressed, the anomalous position of the Commission became even more pronounced, as the lone deliberative body in a political context of adversarial competition. Several factors contributed to the perception that the Commission's role and procedures were special. These included the increasingly public criticism of the Commission by the State Board, which heightened concern about the Commission's independence, and hence raised the salience of the norm of non-partisan deliberation. The Commission's public image received little support from the pattern of media coverage, which focused on administrative pratfalls and personal disagreements among Commissioners, but this may have had the effect of emphasizing to the members that the Commission's reputation for remaining above politics depended all the more on their own statements and actions. In spite of the Commission's relatively short official life, inevitably hampering the development of the settled expectations and personal ties on which informal sanctioning mechanisms depend, the actions of most of the members of the Commission seemed to reflect a real commitment to ensuring that the hearings were inclusive and that no side was favored.

The Deliberative Forum as a Locus of Political Leadership

Because democratic deliberation has the potential to raise the level of political discussion and involvement, it is inevitable that expectations would be high for what the deliberative forum can contribute to politics and policy. In part such expectations spring directly from the idea of deliberation itself. Unlike pluralistic bargaining—where the participants focus narrowly on resolving some specific contested issue, and the resolution itself is not ordinarily of interest to others outside the parties to the dispute—deliberative decision-making explicitly seeks to couch the immediate dispute in the context of the larger public interest, and the accompanying debate over community-wide values and goals is, therefore, much more broadly relevant. In addition, while the parties to a competitive decision process are understood to be acting out of self-interest, we look to the participants in a deliberative forum to exemplify a higher standard, for instance, by elevating reason over emotion, by striving to understand sympathetically the perspective of others, and by a commitment to a public-regarding rather than self-interested outlook.

Beyond the ideal itself, the contemporary turn to deliberation has loaded additional expectations onto deliberative processes. It is, after all, the perception of severe flaws in the politics of pluralistic bargaining, and the resulting public cynicism about government in general, that have led theorists and politicians toward the deliberative ideal, and we look to deliberative institutions as potential models for improving conventional practice. Finally, the importance and difficulty of the policy problems for which deliberative institutions are invoked guarantees that the process and its outcomes will be watched carefully. Incumbent authorities do not turn to deliberation unless other, more conventional approaches such as legislative or executive leadership have failed to deal with a serious disequilibrium. Nor is deliberation typically employed where the challenge is simply to make a straightforward decision between distinct alternatives, but rather where the problem is not clearly defined and cannot be resolved with conventional bargains or policy instruments. The expectation is that the deliberative forum will not only come to a better understanding of the source of stress but also exemplify a process through which activists with different views can work together to define the collective interest and craft a resolution that fairly recognizes the range of competing claims.

The role of the deliberative forum, in short, goes well beyond simply distilling a set of recommendations from public testimony. Indeed, we look to deliberation not primarily to deliver decisions but to build the capacity of government and the larger community to deal with conflicting values. For the members of the deliberative forum, this involves working together—often in a context of some urgency—to address conflicts in the values people hold, or to diminish the gap between the values people stand for and the reality they face. The resolution of this sort of adaptive challenge may resemble not so much a compartmentalized choice as a process of change in values, beliefs, or behavior. From this perspective, we can see that one important, if implicit, role of the deliberative forum is an educational one: the special legitimacy of deliberation as a public choice process entails that, like judges, deliberative leaders are a source of moral instruction.[19] Successful public deliberation will ideally leave a legacy in which officials have modeled both process norms (respecting conflicting views, negotiating sincerely) and problem-solving capabilities (learning,

[19]Cf. Heifetz (1994) offers a host of useful insights into the psychology of leadership.

responsibility-taking, and innovation). Although we can indicate the potential contribution the deliberative forum can make along these lines, our own theoretical and empirical work is not yet well enough developed to allow us to detail the specific criteria by which we could evaluate the contribution of deliberative leaders.

Deliberative leaders can take advantage of their position "above politics" to frame and orchestrate the conflict. But this role is not well-defined, either in theory or in practice: not only are there few practical exemplars of policy systems that successfully meld deliberative and competitive processes, but the role requires creatively combining skills and outlooks that are typically separated in the world of politics. Some of the skills are analytical: the leaders of a deliberative forum need to provide a trustworthy picture of the problem, identifying the adaptive challenge; to unbundle the issues, distinguishing between the immediate symptoms of stress and the real underlying problem; and to diagnose the deeper problem in light of the social values and interests at stake.[20] Rhetorical and public relations skills are also relevant, because deliberative leaders must seek to control the framing of the issue in order to focus on the larger public interest, rather than leaving the process of problem-definition to the conventional adversarial narratives of the media and competing politicians. Overall, the hallmark of deliberative leadership must be a dual orientation: first, the willingness to face the responsibility for resolving rather than participating in value conflicts; and second, an engrained habit in every discussion to consider how the immediate conduct of the decision-making process will ramify into the community's future capacity to resolve similar challenges.

The members of a deliberative forum, much more than actors in a pluralistic bargaining game, are expected to enumerate and evaluate the consequences of their decisions. Although this might seem an unexceptionable admonition, the orientation is quite different from the public philosophy of

[20]Alexander George's (1980; 1974) notion of the "honest broker" in Presidential advisory systems captures this aspect of deliberative leadership. The honest broker provides information about competing views, staffs out alternative predictions and solution scenarios, and organizes a face-to-face discussion of views, all the while standing back from direct personal involvement in advocating one side or the other, and encouraging other participants by her/his own conduct to promote their case by way of reasoned argument rather than threats and the use of political power resources.

pluralistic bargaining.[21] At the core of its public philosophy, pluralistic bargaining invokes the assumption that the invisible hand of the market will assure equilibrium over the long run, and hence, that actors are justified in focusing on self-interest and immediate competitive gains. The idea of public deliberation begins from skepticism about the justice of a system that makes society-wide outcomes the consequence of self-interested decisions. Hence, the practice of deliberation entails higher standards of foresight and planning, setting as the ideal that participants learn about and take responsibility for the impacts of their decisions. In this respect, we can think of deliberative leadership as oriented toward multiple but complementary goals. In the short run, the deliberative forum must articulate and give legitimacy to an understanding of the policy problem that focuses the political elite, the media and the public on the merits of the issue and the process of weighing fairly different interests, rather than validating conventional narratives of mutually-exclusive conflict. In looking toward the future, deliberative leaders need to shape their actions so as strengthen the capacity of political elites and the community to handle the stress of deeply divisive issues that have no ready resolution in the repertoire of conventional policies.

Deliberative leaders can contribute to this long-term goal both by engaging in actions intended to have an exemplary impact, and by fostering independent activities that build relevant capacity in the community. For instance, the deliberative forum should be seen publicly to be a model for the norms of collaboration, responsibility-taking, and effective conflict resolution. Similarly, in relating to other official bodies and especially to the public, the members of the deliberative forum should strive to observe rituals that embody and strengthen the larger public values of tolerance and inclusiveness. Finally, given the public visibility of most deliberative forums, it may be possible to use their status to encourage the development of civic associations such as school support groups or school-community networks, whose actions in turn will help knit a fabric of citizen engagement with community-wide questions rather than simply the promotion of self-interest. Lending official recognition to such groups, for instance, by calling on them to testify about the standards-setting process, can have the effect of fostering the sort of "social capital" that will in the longer run

[21]Lowi (1969) offers a systematic exposition of pluralism's public philosophy.

increase understanding and trust in the institutions and democratic authority structures on which the smooth functioning of education politics depends.[22]

Capitalizing on the opportunities for leadership on the stage of the wider political system requires time and preparation. It would be inappropriate to expect that the California Standards Commission could fulfill these demanding expectations, not only because it was on the scene for only two years but also because its relatively unprecedented status meant that it was occupied with carving out a niche and legitimating a claim to influence in the state education policy system. Nevertheless, the members were generally keenly aware of the Commission's special status and sought to guard its procedures from the excessive intrusion of partisan politics. In the next section, we undertake a detailed exposition of the standards-setting process.

STANDARDS-SETTING IN CALIFORNIA

The Political Context

Two aspects of recent education politics in California are important for understanding the development of content standards. The first is the fragmentation of state-level political responsibility for education and the high degree of partisanship that has characterized educational decision-making in Sacramento for most of the 1990s. In California, formal authority and informal political influence over education are shared by the governor, the legislature, and an elected state superintendent of public instruction. Although the relationship has not always been a smooth one, it worked reasonably well in the past with the parties able to reach agreement on most major issues. That consensus broke down, however, in the face of a Republican governor who shifted his political rhetoric and policy positions from those of the centrist wing of his party closer to the ideological right; a legislature where the lower house changed from a Democratic to a Republican and back to a Democratic majority, and where term limits ended the moderating role played by senior legislators expert in education policy; and a Superintendent of Public Instruction (SPI) who lacked the visibility and charisma of her predecessor and whose policy positions

[22]Putnam (1993); Schwartz (1988).

never achieved equal standing with the Governor's. Part of the diminished stature of the SPI was due to the emergence of the State Board of Education (SBE) as a fourth center of power. Members of the State Board are appointed by the Governor and traditionally deferred to the SPI in most of their policy decisions. A federal appellate court decision in 1993, however, gave the SBE greater policymaking authority and independence from the SPI. The Board members who were in office during the standards development process were all appointed by Governor Wilson, and their views on curriculum differed from those of the SPI. Together these factors meant that the Standards Commission was working in a divisive and highly partisan environment.

The Commission was also working in the shadow of a prior initiative that reflected the sharp political and philosophical divisions within the state education policy community. After only two administrations, the continuation of the California Learning Assessment System (CLAS), a student assessment based on the state's curriculum frameworks and heralded among education reformers as one of the most innovative in the nation, was vetoed by Governor Wilson in 1994. The factors that led to the veto are complex, and they have been analyzed in considerable detail in an earlier monograph (McDonnell, 1997). Several aspects of the CLAS controversy, however, are important from the perspective of the Standards Commission. Although active opposition to CLAS involved only a small minority of the state's parents and was led by cultural conservatives, their arguments tapped broad popular concerns about how students should be taught in the state's public schools. The CLAS controversy focused on language arts, with opponents criticizing several aspects of the test: a scoring system perceived as subjective, questions that probed students' personal and family life, literary passages inappropriate for children, and insufficient attention to testing students on basics such as the rudiments of good grammar. Critics also argued that CLAS assumed a certain type of pedagogy: one based on a belief that students should construct their own learning through hands-on experiments and projects; interactions with other students; and a diminished role for teacher-directed instruction.

Besides concern about the curricular values embodied in CLAS, critics also charged that development of the test had been an "inside job," with participation limited to psychometricians, curriculum experts, and a select group of teachers expert at applying the instructional reform principles represented in CLAS.

Neither elected officials nor members of the general public had participated in the design of CLAS or in any review of it. This omission and its consequences became a significant factor in shaping the Legislature's charge to the Commission and in the way the Commission conducted its work.

Early in 1995, the state legislature passed AB 265 authorizing a Commission for the Establishment of Academic Content and Performance Standards. It was to be comprised of 21 members, with 12 appointed by the Governor, six by the Superintendent of Public Instruction, one by the Senate Rules Committee, one by the Speaker of the state Assembly, and was also to include the SPI or her designee. The Commission was charged with developing content and performance standards in mathematics, language arts, social studies, and science, and then submitting them to the State Board of Education for its consideration and final approval. Once approved by the State Board, these standards were to serve as the basis for assessing student academic achievement and school performance.

The Commission's membership was diverse, reflecting a broad range of political viewpoints and educational philosophies. Nine of the original members were elementary and secondary educators, but the group also included five university faculty and a university-based researcher, several business executives, a lawyer, the president of the California Community College Board of Governors, and a parent who schools her children at school.

Included throughout AB 265 and related legislation were provisions requiring that parents, educators, and the public be involved "in an active and ongoing basis" in the design of the statewide student assessment. Both the Commission and the State Board were required to hold hearings throughout the state as they deliberated about the standards. Scott Hill, the Commission's executive director, characterized it as open to public input, including both expert and non-expert views of what students should know.

> An explicit decision was made that this should be a public process, not one internal to the education community.... It was supposed to be a Madisonian experience where people with widely different philosophies would come together to fight over what the standards should be (as cited in Olson, 1998).

Key state policymakers decided that one reason for the failure of CLAS was a lack of clear, measurable content standards (Olson, 1998). Although CLAS had

been linked to the state's curriculum frameworks, critics argued that the frameworks focused more on a particular pedagogy than on what content should be taught. Consequently, the Commission was charged with developing "academically rigorous content standards and performance standards" that are "measurable and objective." The legislation also prohibited the standards from including any "personal behavioral standards or skills," and the subsequent assessment was not to include any items that would elicit personal information about a student or his or her family.

Drafting the Language Arts and Mathematics Standards

The Commission began its task by first working on developing the mathematics and language arts standards. Most of the work was done in committees established for each of the two subjects, with the Commission assisted by professional staff and consultants. In developing both sets of standards, the Commissioners and their consultants first acquainted themselves with the concept of a standards-based approach to education, and considered criteria for judging the quality of individual standards. They then examined standards documents from other states such as Virginia, and considered the academic content standards developed by professional organizations such as the National Council of Teachers of Mathematics (NCTM). In the case of mathematics, the committee also considered standards from other countries such as Japan and Singapore where students have performed well on international tests, as well as a standards document that had recently been prepared by a task force of the California Education Roundtable, a group representing the heads of the University of California, California State University, and the California Community College systems and the SPI.

The meetings of the entire Commission and the individual subject-matter committees were open to the public, and a variety of formal and informal input was received at them. Representatives of the state's major education interest groups, such as the Association of School Administrators, the California Federation of Teachers, the California School Boards Association, and the California Teachers Association, made presentations as did the organizations representing California language arts and mathematics teachers. University subject-matter experts advised the Commission, and it heard from a range of

educational reform and curriculum experts.[23] The audience at the Commission and committee meetings typically ranged from 15 to 25 people, with those in attendance often invited to comment informally or to ask questions of the presenters.

In addition, although it was only required to hold four public hearings for each set of standards, the Commission held six hearings around the state on drafts of the language arts and mathematics standards: three on a first draft and three on a revised second draft. Forty-one percent of the written input that the Commission received consisted of statements from those testifying at the various regional hearings. The mathematics standards garnered the greatest attention with two-thirds of the total input from the regional hearings focused on mathematics, as compared with only 15 percent on language arts and the remainder on the science and social studies standards. The single largest category of people submitting statements to the Commission was classroom teachers; almost half the comments on the mathematics standards came from teachers and slightly more than a third of the language arts input. Parental participation was quite minimal, with parents comprising only 13 percent of those testifying on the mathematics standards and a quarter of those speaking about the language arts standards. The overwhelming majority of those who provided input did so as individuals. Less than a quarter of those submitting comments reported organizational memberships, and of those who did, the largest group was affiliated with either the state subject matter associations or the subject matter projects operated by the University of California and the California State University system.

The tone of the public comments was overwhelmingly constructive. Seventy-one percent of the language arts input and 59 percent of the mathematics comments could be characterized as supportive of the standards, but arguing in favor of some modifications. Outright opposition was minimal (15 percent of the mathematics and 10 percent of the language arts comments), as was unequivocal support (16 percent for mathematics and five percent for

[23]Of the 1370 pieces of input received by the Commission, 316 (23 percent) consisted of reviews of the draft standards by university faculty and other subject-matter experts.

language arts).[24] For both sets of standards, about 70 percent of the suggested modifications revolved around pedagogical issues, and 12 percent expressed concerns about the feasibility of implementing them. Somewhat surprisingly, given the focus of the CLAS controversy, only seven percent of the comments on the mathematics standards and 15 percent of those on language arts emphasized social or cultural issues.

The dominant theme running through the comments on the mathematics standards was support for the approach embodied in the California Mathematics Frameworks, the primary source of state curricular guidance for close to 10 years. The majority of those making statements before the Commission supported what they saw as the Framework's emphasis on conceptual learning, problem-solving, the use of mathematics in applied situations, and group activities. Presenters favoring this approach outnumbered those supporting a more traditional approach to mathematics instruction by about six to one. Another sizable group either questioned the age appropriateness of the standards or argued that particular ones were too high. The final category of those providing public input on the mathematics standards suggested specific changes in wording to make the draft more focused, emphasize concepts across grades, or to rearrange the number and presentation of topics by grade level.

Most of the comments about the language arts standards focused on aspects of their content: whether they were developmentally- or age-appropriate; the relative emphasis given to writing as compared to reading and to different sets of skills within each domain (e.g., word recognition vs. comprehension); how the proposed standards applied to English language learners; and whether performance on the standards could be adequately measured. A second category of recommended modifications centered on the format of the standards: how various skill and content strands and grade-to-grade progressions were represented.

Regardless of their position on particular sets of standards, the commissioners and staff that we interviewed characterized the public input they received in much the same way. They recognized that it had come

[24]A small proportion of those submitting statements (11 percent for mathematics and 14 percent for language arts) commented on the standards, but took no position either supporting or opposing them.

overwhelmingly from professional educators, and those in related fields such as textbook and test publishers. One respondent even characterized the hearings as *pro forma*, "the oral equivalent of a form letter." The only parent organizations that commissioners described as major participants were several groups of well-educated parents who had been pressing for a more traditional mathematics curriculum in local communities such as Palo Alto, Torrance, and San Diego. Several respondents noted that they were surprised by the absence of input from the business community. Although organizations such as the Business Roundtable had pressed for standards, they did not provide input to the Commission and slightly less than the two percent of those who submitted written comments identified themselves as representing a business group.[25]

The chair of the Commission decided that because of time constraints, the commissioners would neither question nor engage in discussions with presenters at the regional hearings. However, both the commissioners' reports of the hearings' influence and our tracking of changes in the successive versions of the draft standards suggest that some presenters had a significant impact on the Commission's work. Commissioners reported that they were not swayed by arguments about instructional strategies or the feasibility of implementing the standards because they saw those concerns as outside their charge. However, they took seriously criticisms that a standard was unclear, written in jargon, or inconsistent with other standards. Commissioners saw the public input as helping them revise the standards from fragmented lists to documents that were more intellectually coherent.

Somewhat surprisingly, given the focus of opposition to CLAS, the language arts standards were developed without controversy, and reflected a skillful integration of the phonics and whole language approaches that had sharply divided both researchers and practitioners in the past. Some Commission participants attributed this change from the CLAS era to the fact that the "language arts wars" had been fought three years earlier and common ground had already begun to emerge as the Commission set to work. Others argued that it was the deliberative process the Commission's language arts

[25]Later in the process, when the State Board began to rewrite the Commission's draft mathematics standards, a number of Silicon Valley business leaders sent letters to the Board urging it to adopt the Commission's standards, although they did not involve themselves in the process until then, and they did no more than write letters.

committee used that led to such a productive synthesis. In any event, the language arts standards were favorably approved by the State Board.

The mathematics standards were another matter, however. Their development reflected profound intellectual disagreements over the balance between basic skills and conceptual learning, between direct instruction and discovery-based learning, and over the degree to which traditionally separate subdisciplines within mathematics (e.g., algebra, geometry, trigonometry, etc.) should be integrated in student coursework. Further disagreement centered around the amount and specificity of the content that students should be expected to learn. Despite the Commission's efforts to produce a consensus document in mathematics that largely reflected the NCTM standards, the State Board rejected the Commission's version and rewrote the standards in a more traditional vein consistent with a minority report submitted by one of the commissioners.[26] The standards adopted by the Board emphasize precise calculations and correct answers. Students are expected to memorize multiplication tables in the third grade and to master long division without relying on calculators beginning in the fourth grade. At the high school level, the standards are organized by individual sub-disciplines, but the standards allow schools to teach them either as separate courses or in integrated strands (as recommended by the Commission), as long as the core content is covered.

It is difficult to sort out the reasons for the different outcomes in language arts and mathematics. In both cases, the State Board was committed to standards that reflected a more traditional approach to content coverage and instruction. Yet in language arts, it was easier for the Commission to be responsive to the State Board because the dispute was older and closer to resolution when the Commission began its work, and also because most of the demands of the traditionalists could be accommodated within well-defined parts of the curriculum, particularly in the lower elementary grades. The traditionalists were not disputing that students should be exposed to good literature or taught to write creatively; they just wanted to ensure that they were also taught in such a way that they mastered the basics of reading and the mechanics of good writing.

[26]The Commission's vote on its draft was 15 to 2 in favor of adoption, with two abstentions and two members absent. The State Board adopted its reworked version of the mathematics standards by a vote of 11 to 0.

In mathematics, on the other hand, the differences between the two sides extended throughout the K-12 curriculum, and were greatest in the upper grades.

The nature of the substantive divisions between the opposing camps and the stage of the dispute were clearly significant in explaining the different outcomes. But the way in which the two committees approached their work and the personalities of the commissioners also made a difference. For example, the mathematics committee took votes on key issues throughout its deliberations, while the language arts committee did not. Although taking a vote provides a clear choice and closure at the end of a discussion or debate, putting all the Commission members on record early undermined reasoned deliberation, by sharpening differences and by publicizing and hardening positions, thus throwing up barriers to open-mindedness and the possibility of change in response to a persuasive argument.[27] If, however, few votes are taken before a final decision, it is often easier to reach consensus because participants are not locked-in to a particular position and can continue to listen, persuade each other, and to modify their positions until a consensus begins to emerge.[28]

Both Commission members and observers of the process consistently reported that the mathematics committee was less able to act deliberatively

[27]Theorists and practical politicians concerned to foster deliberation have appreciated the importance of this tenet from the founders to the present. Bessette (1994, pp. 218-228) provides a good summary of the argument.

[28]Several of our respondents appreciated that differences in the organization of the language arts and mathematics committees contributed to the different outcomes, but they wondered whether—given the depth of the substantive disagreement—the mathematics committee could have pursued a decision-making process that was less adversarial. A legislative staffer who was a close observer of the process made such an argument:

> "... if you look at the Commission hearings on the language arts standards, they resembled a round table conversation with the Commissioners having a real exchange, discussing alternative possibilities and options with representatives of organized groups.... The process with formulating the math standards was more formal, but I think this was partly because everyone could see that the level of emotion and the potential for controversy were so much higher. Here the interaction with the public and with groups was less conversational."

This argument frames a commonly-heard objection to deliberation, but in our view it rests on a misunderstanding; in fact, it just reverses a central argument for deliberation. If deliberation is to be attempted only when there is little disagreement, then it will contribute little to improving a situation dominated by adversarial bargaining. On the contrary, deliberation is most needed—as a structure that turns the decision-making process toward reasoning together and away from competition—in those situations where disagreement is deep and persistent (cf. Gutmann & Thompson, 1996).

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because two members held strong and diametrically opposed views on the content and organization of the mathematics standards. These two members pressed their cases relentlessly and were not open to persuasion or compromise. Curricular conservatives and liberals alike, whether working in the Governor's office or the SPI's, as well as Commission members themselves, used similar terms to describe the two commissioners: [they] "made life hell on the Commission"; their behavior was "outrageous"; "both of them have terrible people skills, and both contributed as much to the problems on the Commission."

These two commissioners were in pivotal positions because they had a stronger interest in the math standards than most of their fellow committee members. One had been working with a national education group focused on standards-based reform, and the other was a leader of a local parent group pressing for a more traditional mathematics curriculum. In our interview with the commissioner espousing a traditional approach, he acknowledged that the mathematics committee had "two strong personalities"—himself and his reform-oriented opponent. The commissioner then described his approach:

> By doing detailed work, I had a big effect on the math standards. At every meeting, I brought comments on the draft standards. I distributed hundreds of pages of comments to the commissioners. I had a team of people around the state and the country looking at the draft standards; they included engineers and scientists.[29] Eventually, I drafted an alternative set of standards...My work had a dramatic effect, but it also caused some antagonisms.

When the version of the draft standards he supported was not approved by the Commission, this commissioner then lobbied the State Board: privately, in public testimony, and through an op-ed article in the *New York Times*. His public campaign prompted an equally public and sharp response from partisans on the other side. The State Superintendent accused the State Board of "dumbing down" the Commission's draft, and threatened to take the issue to the voters in a ballot initiative. Members of her staff portrayed the commissioner who advocated the more traditional approach as plotting to influence the State Board

[29]In answer to a follow-up question, the respondents said that the team consisted of about five people. On a Commission where none of the members had any official research staff and all were amateurs with full-time commitments to other work, this was a significant resource disparity.

(Anderluh, 1997). Appearing before the State Board, the commissioner who had been the most vocal advocate of the Commission's version of the mathematics standards argued that the title of the Commission's document should be "Expecting More," while the Board's version should be entitled "Expecting Less" (Colvin, 1997a). Another member of the Commission was so upset at the Board's rejection of its version of the mathematics standards that he resigned in protest.

Several commissioners noted that the actions of the two most vocal and partisan commissioners were in sharp contrast to the behavior of other members:

> The other Pete Wilson appointees were generally moderates, and we managed to work constructively together; they were more pragmatic and understanding of the importance of give and take, compromise; they didn't insist on prior agreement on educational philosophy. The standards that eventually emerged from the Commission were the result of a centrist coalition. But the two extremes really slowed us down; we would have gotten more done if we didn't have to do so much wordsmithing on specific standards.

*****

> ... everyone else was so congenial that you couldn't tell who was appointed by whom in terms of allies and the like.

*****

> I think that most of the commissioners were really open-minded; they didn't have a lot of priors; and they really wanted to get a set of standards that we could all agree on.

*****

The language arts and mathematics standards were developed with various segments of the education community and a few parent groups paying attention, but the process was not very visible to the general public. None of the state's three major newspapers provided early or continuous coverage. The *Los Angeles Times* did not run an article on the Commission until eight months into its work; the *Sacramento Bee* ran its first article a month later; and the *San Francisco Chronicle* published its first article a year after the Commission began and after it had approved the first set of standards. All three newspapers then

reported on the controversy over the math standards, and the State Board's rewriting of them.

Drafting the Science and Social Studies Standards

In contrast, the next phase of the Commission's work in developing science and social studies standards was covered on a more regular basis by the state's major newspapers. Part of the reason was an embarrassing error the Commission made in selecting consultants to assist in developing the science standards that quickly became a *cause celebre*.

The Commission issued a Request for Proposal (RFP) seeking expert consultants to assist in developing the science standards. Two groups responded to the RFP. One, led by a team at California State University San Bernardino, was awarded the contract for $178,000. The losing bidder, a group called Associated Scientists, included three Nobel laureates and offered to work for free. However, the Commission argued that the San Bernardino group, headed by a former president of the National Science Teachers Association, had more experience in writing standards for elementary and secondary students. One of the more outspoken members of the Commission argued that the Associated Scientists group "wouldn't know a classroom if you put it in front of them" (Colvin, 1997b).

The media featured the story of the losing bid prominently. Besides several news stories in California newspapers on the decision, an op-ed article appeared in the *New York Times* (Gross, 1997); an editorial in the *San Francisco Chronicle* (1997) called the Commission's treatment of the Nobelists "offensive," and the commissioner's remark as "reeking of anti-intellectualism"; a conservative columnist characterized the San Bernardino group as "educrats with a penchant for trendy science curricula" (Saunders, 1997). The media tended to portray the dispute as a contest between "real" scientists working in academic science departments and science educators who train prospective teachers in schools of education; and as a philosophical debate between those espousing a traditional approach to science, bounded by the disciplines and grounded in a body of factual knowledge, and those advocating reform concepts of discovery learning and coursework that integrates content across several disciplines. Although these distinctions capture crucial differences between the two camps, they oversimplify

the situation because both groups included scientists and science educators and neither saw the two views of science as mutually exclusive.

The losing group that included UC Berkeley chemist and Nobel laureate, Glenn Seaborg, protested the Commission's decision. After reviewing the decision, the Commission was advised by its counsel that it had made an error in how it scored the Associated Scientists' proposal because it had not awarded budget points for its offer of work at no charge. The Commission admitted its error; revoked the contract of the San Bernardino group; and then hired both groups as consultants to develop the science standards together. At about the same time, Governor Wilson appointed Glenn Seaborg to the Commission to replace a departing commissioner, and Seaborg was made chair of the science committee.

In an interview just before the science standards were finalized by the Commission, a staff member described the development process:

> The result [of working with both groups] has been both an enormously frustrating and a rewarding experience. The process has been totally open, but the first two months seemed to bear out the fact that we would fail. Neither group recognized that the Commission was in charge; it was their process. The groups were just consultants. There was a great deal of failure until April or May. The first draft of the standards was met with near universal booing and hissing. It was seen as encouraging too much rote memorization. But we expected a more conservative document the first time around, and the first draft got a lot of attention.
>
> In early May, we had a huge confessional public meeting, and everybody got serious at that point. The major policy decision is whether there should be integrated vs. traditional courses. The Commission decided to say that there would be specific emphases in the grade-by-grade standards, but the other disciplines that support a strand would also be noted (e.g., the standards focus on the life sciences in the seventh grade, but earth science issues that support the life science topics are also noted). All sides see this approach as an innovation.
>
> We literally had to go through the pain of January and February to get to this resolution. The last few meetings have been very productive. Fifty to 75 people have been involved in writing the science standards, and we had three to four writing sessions over multiple days.

On a number of significant dimensions, the final draft reflected a compromise between the two camps. One example was the focus on a single

subject in each of the middle grades, but also accommodating the notion of strands by identifying related topics from other disciplines. Similarly, the teachers involved in the standards process argued that the traditionalists had included too much material in the high school standards. After much discussion, the committee decided to mark some of the standards with an asterisk, indicating that they were optional but that schools should offer all asterisked materials to students who plan to go on in science and that students should be expected to master all asterisked material in at least one discipline.

Despite these compromises, the Commission's final draft of the science standards represented a more traditional approach to academic content than its version of the mathematics standards. Two related factors explain the difference. First, the Commission decided that it did not want to have the State Board reject another of its draft standards as it had done with mathematics. Consequently, it kept in touch with the Board, both informally through on-going staff contacts and formally through joint meetings with Board members, and the Board made it clear that science standards would not be approved unless they were similar in curricular philosophy was to the Board's mathematics standards. As a result, the Commission was constrained by the anticipated reaction of the Board. A second reason for the more traditional science standards was the role of Glenn Seaborg as chair of the science committee. Disputing the compromise that had been reached, Seaborg abstained from the Commission's final vote on the science standards,[30] and continued to argue that the system of asterisks made too much content optional and that the high school standards should be specified by grade and discipline, with biology taught in the ninth grade, chemistry in the tenth, physics in the eleventh, and earth science in the twelfth grade.

A dozen U.S. scientific societies, including the American Association for the Advancement of Science, criticized the Commission's standards for being so "overstuffed" with facts that students would not gain any understanding of scientific concepts, and they urged the State Board not to adopt them (*Chronicle of Higher Education*, 1998). Among the critics of the draft standards were Bruce Alberts, the president of the National Academy of Sciences; Donald Kennedy, the

[30]The Commission's final vote on the science standards was 16 in favor, none opposing, two abstentions, and three commissioners absent. The other abstention was from a commissioner concerned about the optional, asterisked items given that the standards were supposed to apply to all students.

former president of Stanford and now a professor of environmental science there; and former astronaut Sally Ride, now a professor of physics at the University of California, San Diego. Despite widespread protests from the scientific community, the State Board unanimously adopted the Commission's draft.[31]

Just as the drafting of the science standards encountered some of the same problems as the mathematics standards, the social studies standards, like the language arts standards were prepared with little controversy. The drafting committee drew heavily on the existing California history-social science frameworks that had already gained widespread acceptance among teachers, as well as on Virginia's and Massachusetts' state standards and on ones developed by national subject matter organizations in history, geography, civics, and economics. Most of the committee's own discussions and the public input it received focused on pedagogical and feasibility issues; e.g., the grade level at which particular content should be included, how much content to include in a given grade, the appropriate balance between substantive content and analytical skills. Only two areas involved philosophical disagreements. A number of groups pressed to make certain that women and minorities were adequately represented in the standards, and one commissioner argued against a strict separation of church and state and in favor of acknowledging in the standards the special status of Christianity in the United States. But other commissioners argued that whatever their own personal positions, the substantial body of law that exists on the separation of church and state had to be respected. Despite her own strong feelings about the issue, the commissioner made her case but did not press it in the face of the majority's position. In the end, the Commission adopted the history-social studies standards unanimously, and the Board made only minor changes before also adopting them unanimously.

[31]In addition to the controversies over the mathematics and science standards, the standards commission also faced another major dispute over its role. In a May, 1998, letter to the commissioners and in his budget documents, Governor Wilson made clear that he did not want the Commission to develop performance standards and instead, wanted it to leave that responsibility to the State Board. The Governor made this decision despite the fact that AB 265 required the Commission to develop performance standards. Nevertheless, he felt that the Commission had veered too far from the academic basics. Faced with the prospect of no budget and its tenure fast running out, the Commission deferred to the Governor and ended its work once the four sets of content standards were completed.

Several reasons explain the outcome for the social studies standards. First, the Commission was building on the consensus that already existed around the state frameworks. Although the Commission made some changes in the content included at each grade level, its work was largely shaped by the earlier frameworks. Second, probably because of the pre-existing consensus, there were no major differences in curricular philosophy that had to be resolved in developing the standards. Most of the criticisms of the standards were marginal; they questioned the inclusion or exclusion of specific content or proposed ways to make them more coherent or feasible to implement, but few questioned their basic approach or structure. Finally, despite political and philosophical differences among the commissioners, their approach to writing the social studies standards was collegial and pragmatic. For example, several of the more liberal commissioners noted that the chair of the social studies committee was a conservative, "but he is fair and he listens." Through a largely consensual process, the committee worked to produce a document that would be seen as credible by the public and acceptable to the State Board.

As with the language arts and mathematics draft standards, the Commission held a series of public hearings across the state on the science and social studies standards. Although close to half the total public input that the Commission received focused on either the science (28 percent) or social studies (21 percent) standards, most did not come as part of the regional hearing process but rather through focus groups, expert reviews, or various forms of written comments submitted to the Commission informally. The Commission held five regional hearings around the state on this second set of standards, but only 33 people testified on the science standards and 54 on the social studies standards. The pattern of who participated and the tone of the comments were very similar to what they had been for the mathematics and language arts standards. The single largest group providing input was classroom teachers, with parents representing an even smaller proportion than they had been for the earlier standards (six percent for the science standards and three percent for social studies).[32] More than 70 percent of the comments received on both the science

[32]We have no evidence to explain the lower turnout among parents, and can only speculate that the higher participation in the hearings on the mathematics and language arts standards reflected greater parental concern about basic literacy and numeracy skills, especially among parents of elementary school students.

and social studies standards were supportive of them in principal, but recommended modifications.

Many of the suggested modifications for social studies dealt with individual standards at specific grade levels. Others testifying at the regional hearings commended the Commission for its inclusion of geography in the standards, advocated a greater focus on women and minorities, or argued about the relative emphasis on social studies and science in the early elementary grades, as compared with basic literacy and mathematics skills. For the science standards, the testimony at the regional hearings reflected the same issues that dominated the Commissioners' own discussions. Although some of those testifying supported the draft standards, most argued that they overemphasized content and mastery of facts at the expense of student inquiry and experimentation.

CONCLUSIONS

What the California Case Suggests About Deliberation

The Standards Commission conducted its business in the shadow of a past policy failure, the CLAS test. Although respondents reported that CLAS was rarely mentioned during the Commission's discussions, it did shape the process and outcomes in significant ways. Clearly, state legislators were reacting to CLAS when they set out the Commission's organizational structure and rules in AB 265. The decision to include non-educators and to ensure a diverse array of viewpoints through the appointments process addressed perceived problems with CLAS, as did the requirement to hold regional hearings. These attempts to avoid the mistakes of CLAS also contributed to giving the Commission an institutional structure and set of rules that acted as necessary, though not sufficient, conditions for deliberative decision-making.

In many ways, the Standards Commission fulfilled its potential as a deliberative body. It provided multiple opportunities for public input, and while most of it came from professional educators, access to the Commission through testimony at regional hearings, e-mails, faxes, and letters was open and relatively cost-free. Although the extent of the commissioners' actual exchange with those appearing before it was limited, they took public input seriously and it influenced the shape of the final documents. In discussions and decision-making by the Commission itself, most, though not all, of the members subscribed to

deliberative norms; they listened to each other and were willing to modify their own priors in the face of new evidence, alternative interpretations, and persuasive arguments.

The larger political process, however, in which standards policy was being shaped inevitably impinged on—and sometimes undermined—the Commission's efforts to ground decisions in reasoned deliberation. The Governor's office kept a close watch on the Commission, and in the beginning tried to influence its direction, not only through membership selection but also through staff hiring. Towards the end of its tenure when the Commission began to move on performance standards in a direction contrary to the Governor's preferences, he worked to put it out of business. Similarly, the State Board's ultimate authority over standards-setting and its mode of decision-making worked against deliberative solutions.

The existence of multiple arenas responsible for education policymaking suggests one implication about the possibility for deliberation in state standards-setting. The Governor's office and the State Board represented very different kinds of political arenas with different institutional norms than the Commission: they are more adversarial and partisan, emphasizing the winning of political victories, often by sharply differentiating oneself from one's opponent. In arenas such as this, compromise is possible, but it comes through bargaining—strategizing, bluffing, splitting the difference—more than through persuasion, and the incentive for compromise is the need to build a winning coalition, rather than the explicit aim of working collaboratively to articulate a conception of the public interest. If one side does not need opponents' votes for victory, there is little incentive to get them on board because it will dilute political "credit claiming" and ideological purity.

These other arenas strongly influenced the Commission's work. Because they had the power to modify or unilaterally reject the Commission's work, they short-circuited the potential for deliberation that a relationship of shared authority would have provided. This meant, for instance, that those who lost on the mathematics standards at the Commission level had little incentive to modify their position during the Commission's deliberations or to accept its decision. They could do an end-run, pressing their case with the State Board where they knew they were likely to win. In the second phase, the State Board's decision on the mathematics standards, coupled with its well-known curricular

philosophy, acted as a constraint on how the Commission approached the science standards. It recognized that it would lose legitimacy if the State Board rejected its work a second time. In effect, this other, more adversarial arena acted as a curb on the Commission's deliberative norms.

To describe two different kinds of policymaking arenas is not to argue that one is necessarily better or more desirable than the other. Although some might argue that the deliberative arena is preferable because it is less partisan, more civil, and more likely to facilitate solutions all sides can live with, there are also strong arguments on the other side. The Commission was not elected and therefore was not directly accountable to the voters. The State Board is also non-elective, but because its members are appointed by only one official and are expected to reflect the Governor's views, the linkage to electoral accountability is clearer.[33] Rather than seeking to choose between them, we would emphasize that both sorts of arenas have played a central role in the standards-setting process and in education policy generally, and that more effective policymaking requires that the norms and rules of the two arenas be better understood so that their strengths can be melded. We are not at a point in our research where we can map out such an arrangement. But one example where change may be possible is the varying time frames of the two arenas. The Standards Commission had two years to do its job; while that may seem like a short time to complete a huge task, it was considerably longer than the few weeks the Board had to re-write the mathematics standards or later, to deliberate about the science standards. Deliberation takes time, and under the intense pressure of short deadlines for policy decisions, the impetus is toward bargaining that results in

[33]It is important to note that deliberative bodies can be either elective (e.g., Bessette's [1994] analysis of Congress) or non-elective (e.g., courts). The argument we are making here is simply that, in the California case, both arenas had a claim to legitimacy and both were playing roles sanctioned by democratic norms. The State Board members were acting more like instructed delegates reflecting the views of the elected official who put them in office and that of his constituency. In fact, one Board member wondered, "One thing that still puzzles me is how the Commission came in with a philosophy clear off on the other side—it's puzzling how this could have happened, given that Wilson appointed a majority of the members." The answer lies, we believe, in the different collective norms appropriate to the Board and the Commission. The members of the Commission saw themselves more as trustees, required to take into consideration a broad range of views and to use their own best judgment in developing the standards. However, both roles, delegate and trustee, are sanctioned by democratic norms and play critical roles in policymaking, but the delegate conception is probably inconsistent with deliberative decision-making.

"splitting the difference" even if it results in policy that may be more difficult to implement or less effective educationally.

A second implication relates to the role of the media. The three newspapers we used to track the standards-setting process all provide sustained, in-depth coverage of educational stories and employ experienced education reporters. Consequently, readers of these papers would have learned quite a bit about the Commission's work.[34] However, as indicated previously, the first articles about the Commission did not appear until well into its tenure, and only after the draft mathematics standards had become a contentious issue. Additionally, slightly more than half of the coverage in the *Los Angeles Times* and the *San Francisco Chronicle* and about a third of the *Sacramento Bee*'s coverage focused on the various controversies surrounding the Commission such as the Board's re-writing of the mathematics standards, the Commission's rejection of the Associated Scientists' bid, and the tension between the Commission and the State Board and the Governor's office.

While the picture that emerges from this coverage is not inaccurate, it is incomplete. All three newspapers printed examples of standards in the four subjects, yet considerably less attention was given in news stories to language arts and social studies than to mathematics and science.[35] Perhaps more importantly, this coverage leaves the reader with the impression that standards-setting involved a series of disputes focused on differing philosophies about what students should know, and it minimized both the very real and strong consensus that existed in the other two subjects and efforts by a majority of the commissioners to deliberate their way to standards documents that were broadly acceptable to diverse groups.

It is difficult to know what effect, if any, media coverage had on the number and types of people who decided to submit comments to the Commission, or on how the commissioners conducted their business. But it is probably fair to say

[34]The number of news articles, editorials, and op-ed pieces totaled 17 for the *Los Angeles Times*, 16 for the *Sacramento Bee*, and 23 for the *San Francisco Chronicle* over the two-year life of the Commission.

[35]Although a significant proportion of the print media coverage focused on disputed areas of the Commission's work, there were also stories written to inform the public about the broader issue of standards and their educational purposes (e.g., Anderluh, 1998; Jarvis, 1998).

that the media coverage made the Commission appear to be a more adversarial arena than it was, and that it provided incentives and a tool for those whose positions had not prevailed at the Commission level to press their case in other arenas. In portraying political decision-making as a series of disputes or a contest between sets of opponents, even the most sophisticated media coverage may work against deliberative norms.

A final conclusion that emerges from the California case relates to what happens when differences among experts are politicized. What was clear from the development of both the mathematics and science standards is that mathematicians and scientists disagree about what kind of content, how much, and with what types of pedagogy students should be taught at different ages. The research base is limited and different experts draw quite different inferences from that data. Consequently, mathematicians and scientists from a variety of institutions, including the most prestigious ones, advocated different approaches during the standards-setting process. For example, the chairs of the mathematics departments at UC Berkeley and Stanford were on different sides of the discussion about what is appropriate for students to learn and how they should be taught. These differences were subsequently portrayed in the media and by partisans as a "war" and a "bitter debate." Yet several of the experts who had been on different sides of the question characterized themselves as not that far apart and wondered how the debate had become so polarized. In talking about one aspect of the mathematics dispute, a professor noted:

> This is not a matter of pure and applied math. The pure versus applied distinction doesn't work. Pure mathematicians would never denigrate applications; mathematics was born out of applied problems. I believe that the debate makes so much of the pure versus applied distinction only because it's politically useful to simplify the sides in the argument—and both sides use it as a rhetorical weapon against their opponents.

At one level, it may be disconcerting to politicians and the public to have experts disagree on technical matters such as the teaching of mathematics. Yet these are precisely the instances when deliberation based on the available evidence and expert arguments becomes critical. To a considerable extent, that happened in the case of the science standards, but such a process can only occur if differences do not become weapons in political fights where they often become caricatured and exaggerated.

The events of the last few years have reinforced the longstanding dictum that education policy decisions are made as much on political grounds as on technical ones. Yet in both realms, deliberation is important. Differing interpretations of the same data or phenomena are common in science. However, advances come not by exaggerating those differences, but rather through understanding the sources of difference and then using that knowledge in seeking new solutions consistent with available evidence. Similarly, political decision-making based on deliberation requires that differences neither be ignored nor exaggerated, but rather talked through until they are understood and can be used in devising a resolution that can be widely embraced.

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